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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/181,568	10/29/1998	STEVEN B KAUFMAN	KAUFMAN13	.1057

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EXAMINER

CONTRERAS, JORGE L.

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 12/05/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/181,568

Applicant(s)

KAUFMAN, STEVEN B

Examiner

Jorge Contreras

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

- 1 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 2 Claims 1-9 are rejected under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, the "highly localized " recited in line 1 is not clear because it is unclear how high as considered as "highly" localized broadcast information. Furthermore, it is not clear what is being considered as "localized" information.

- 3 Claims 2 – 31, are rejected because they have the same problems as claim 1.

Claim Rejections - 35 USC § 102

- 4 The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5 Claims 10 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohuchi et al US Patent 5,526,423.

Claim 10, Ohuchi et al. discloses a telephone line interface, a voice recorder/playback module adapted to store a broadcast information stream downloaded through a telephone switching system, to store said broadcast information stream. And a dialer and record module adapted to dial a telephone of a source of said broadcast information stream and to facilitate storage of said broadcast information stream, Fig 2 and Col 4 lines 35-49 and lines 52-55.

Regarding claim 15, Ohuchi et al. teaches that customer premises equipment is a voice messaging system, see figure 15.

Regarding claim 16, Ohuchi et al. teaches broadcast information stream includes weather forecast information, see figure 9 and Col 2, lines 15-19.

Regarding claim 17, Ohuchi et al. teaches call voice messaging system is a telephone answering device, Col 4, lines 53-56.

6 Claims 19, 20, 22-25, 27,28 and 30 are rejected under 35 U.S.C. 102(e) as having prior art anticipated by Kamel et al US Patent 5,937,037

Claims 19 and 30, Kamel et al. teaches about a system used for delivering (downloading) promotional messages to subscribed calling parties, where the PIN and ANI (Figures 5A, 6B), received contains all call related information related to a subscriber individual message box. (Column 5, paragraph 3-8). Once the PIN is assumed to be a valid PIN, the system retrieves and determines a desired one of a plurality of broadcasted information streams for downloading (sending) to the calling party.

Claim 20, Kamel et al. teaches that receiving, (retrieving) the determining message from a plurality of broadcasting information systems for downloading (sending), (Col 10 lines 6-10 and 24-27) to the calling party are performed without intervention by a user.

Claims 22-25 are rejected because Kamel et al. teaches that the ANI identifier, (Automatic Number identifier) provides the area code, exchange number, Caller Id information as well as the area code and exchange number, Col 6, lines 21-24.

Claim 27 is rejected because kamel et al. teaches that the audible playing said desired one of said plurality of broadcast information streams, Col 9 lines 60-66 and Figure 6A, 6B.

Claim 28 is rejected because kamel et al. teaches that the downloading comprises: digitally transmitting over a telephone line said desired one of said plurality of broadcast information streams, Col 10 lines 6-9 and 24-29.

Claim Rejections - 35 USC § 103

7 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8 Claims 1-9, 11-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohuchi et al, US Patent 5,526,423 in view of Demlow et al. US Patent 5,609,758.

Regarding claims 1-5, Ohuchi discloses an apparatus with a dedicated telephone line interface (See fig 1, Col 4, lines 16-18) that have recording means for recording/playing back voice information from a line, comprising memory means for storing dial numbers and prescribed services corresponding to the stored dial numbers which has been determined by means to correspond to the inputted dial number. See Figures 1-9 and also Col 2 lines 50-60.

Ohuchi discloses an apparatus that have recording/playback means as well as means for memory storing. (See, Col 3, lines 8-12, Col 5 35-38).

Ohuchi does not expressly disclose that the broadcast information stream will be selected based on call related information.

Demlow et al. discloses that call control sends customer identification and service requirements information (See Col 4, lines 65-67), (call related information) and a confirmation message selected is sent to the calling party based on the call related information (See Col 5, lines 3-5).

At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify Ohuchi device, for broadcasting information to the calling party which based on the caller identification as taught by Demlow, so that the modified Ohuchi device would provide the customer identification and service requirements information to the caller such that a proper message would be delivered to a caller.

Regarding claims 6-9 are rejected because Ohuchi teaches that the ANI identifier, (Automatic Number identifier) provides the area code, exchange number, Caller Id information as well as the area code and exchange number, Col 6, lines 21-24

Regarding claims 11-14, Ohuchi, as applied in claim 10 and above, does not expressly disclose that call related information is at least a portion of a telephone number, including an area code, and exchange number.

Demlow discloses that call related information would inherently use a telephone number and ANI (Automated Number Identification), including area code information to retrieve the broadcast information stream, Col 3, lines 5-8, and Col 4, lines 65-68.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Ohuchi to include the call related information, and ANI as taught by Demlow, so that the modified Ohuchi would include the area code and exchange number information to retrieve the broadcast information stream such that the call related information, including area code and exchange number is included.

9 Claim 18 is under 35 U.S.C 103(a) as being unpatentable over Ohuchi et al., US Patent 5,526,423, and in view of Mitchell et al US patent 6,108,406.

Ohuchi, as applied in claim 10 above, does not expressly disclose that call related information is transmitted over the Internet.

Mitchell discloses that call related information is transmitted over the internet, Col 4, lines 6-10 and 25-27.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Ohuchi to transmitted the call related information over the internet as taught by Mitchell, so that the modified Ohuchi would include the call related information over the Internet such that the call related information is digitally transmitted out of band as is in the case of the internet.

10 Claims 21 and 31 are rejected under 35 U.S.C 103(a) as being unpatentable over Kamel et al., US Patent 5,937,037, and in view of Ohuchi et al, US patent 5,526,423.

Kamel as applied in claims 19 and 30, above, does not expressly disclose broadcast information stream regarding weather forecast information

Ohuchi discloses a weather forecast, information broadcast service. Col 11 lines 36-37 and Col 12, lines 11-12

Thus, at the time of the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify Kamel to include the weather forecast and weather information broadcasting feature as taught by Ohuchi, so that the modified Kamel would include the broadcast information stream including weather forecast

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information to the calling party for providing additional information service to the calling party.

11 Claim 26 is rejected under 35 U.S.C 103(a) as being unpatentable over Kamel et al., US Patent 5,937,037, and in view of Demlow et al, US patent 5,608,788.

Kamel as applied in claim 19 above, does not expressly disclose that method of determining a broadcast information stream is performed using a look up table, Database.

Demlow et al. teaches that the step of determining is performed using a look up table Database. Figure 3B and Col 3, lines 55-59.

At the time of the invention was made, it would have been obvious to modify Kamel device, having a database for the calling party based on the call related information as taught by Demlow, so that the modified Kamel device would provide the Database look-up table to the calling party, such that it should associated the call related information with a designated broadcast information stream for that calling area.

12 Claim 29 is rejected under U.S.C 103(a) as being unpatentable over Kamel et al. Patent No 5,937,037 in view of Ohochi et al. Patent 5,526,423.

Kamel, as applied in claim 19 above, does not expressly disclose storing said downloaded desired one of said plurality of broadcast information streams in a voice messaging system associated with said calling party.

Ohochi discloses an apparatus that have recording/playback means as well as memory for storing (see, Col 3, lines 8-12)

At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify Kamel device, for downloaded broadcasting information to the calling party based on the call related information as taught by Ohochi, so that the modified Kamel device would provide the retrieving, storing and sending (downloading) to the calling party. Col 9, lines 65-67 and Col 10 lines 1-2.

Conclusion

13 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shelton Williams et al. (Patent B1 5,568,385 Software System for Collecting and Displaying Weather information. Backaus et al. (Patent No 5,694,459) Personalized Information Service System.

14 Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

Or faxed to:

(703) 872-9314

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington CA, Sixth Floor (Receptionist).

15 Any inquire concerning this communication or earlier communications from the examiner should be directed to Jorge Contreras whose telephone number is (703) 305-3203. The examiner can normally be reached on Monday to Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fang Tsang, can be reached on (703) 305-4895. The fax phone number for this Group is (703) 872-9314.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C 132 or which otherwise require a signature, may be used by applicant and should be addressed to [fan.tsang@uspto.gov].

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All internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 OG 89.

Any inquire of a general nature or relating to the status of this application or proceeding should be related to the Group Customer Service Center whose telephone is (703) 306-0377.

Jorge Contreras

Examiner

Group 2645

November 28, 2001

FAN TSANG
SUPERVISORY PATENT EXAMINER
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